IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision : 01.07.2010

C.R.No.2042 of 1998

Gram Panchayat and another ...Petitioners

Versus

Baru ...Respondent

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

Present : Mr. Arvind Singh, Advocate, for the petitioners.

HEMANT GUPTA, J. (Oral)

Defendants are in revision aggrieved against the order passed by the learned first Appellate Court on 10.8.1998, whereby the defendants were restrained from interfering in the peaceful possession of plaintiff-Baru over the property in dispute shown by letters EFGH in the site plan attached with the plaint.

This revision petition was admitted to hearing on 6.5.1999 and the order passed by the learned first Appellate Court was stayed. None has put in appearance on behalf of the respondent to seek the variation of the order passed by this Court on 6.5.1999.

The plaintiffs have filed a suit for permanent injunction and moved an application for restraining the defendants from interfering the house and plot marked by letters ABCD and EFGH respectively of the plaintiffs Baru and Mehar Singh. The learned trial Court declined the application holding khasra No.77, which is said to be in possession of the plaintiffs, is recorded as Gair Mumkin Johar and the plaintiffs have not proved to be in possession. However, the learned first Appellate Court

accepted the appeal, inter alia, by relying upon the report of the Local Commissioner.

Keeping in view the fact that the order passed by the learned first Appellate Court was stayed by this Court and no attempt has been made by the plaintiffs-respondent to seek variation of the order, the present revision petition is disposed of with a direction to the parties to maintain status quo, which is in existence since 6.5.1999. The learned trial Court shall decide the suit expeditiously, if the same has not been decided so far.

01.07.2010 (HEMANT GUPTA)
Vimal JUDGE